

Appl. No. 09/450,640
Amdr. Dated Dec. 11, 2003
Reply to Office action of November 19, 2003

REMARKS/ARGUMENTS

Applicant hereby requests further examination and reconsideration of the application, in view of the foregoing amendments.

Applicant requests that objections to requirements of form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. 37 CFR 1.111, MPEP 714.02.

Specification

Applicant has amended the Specification to conform to the amended claims.

Applicant has amended the Abstract to conform to the requirements of the MPEP. The replacement Abstract has been provided on a separate sheet. 37 CFR 1.72.

Claim Objections

The Examiner has objected to claim 1 for an informality on line 9 because the comma should be replaced by a semicolon. Claim 1 has been amended so the limitation ends with a semicolon. Applicant respectfully requests reconsideration.

Applicant has also amended claim 29 to correct and incorrect subject-verb agreement and claim 32 for readability. These amendments are solely to form and Applicant respectfully requests reconsideration.

Claim Rejections

35 U.S.C. 112

The Examiner has rejected claims 1-38 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. The Examiner notes that a microphone is an input device and not an output device. Claims 14-17 have been canceled. Claims 1 and 28 have been amended to clarify that the signals emanate from the microphone. The Examiner also points out that the phrase "unlike that of the balance of the plurality of

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audio communications systems" is indefinite. Applicant agrees that the statement is indefinite. Furthermore the phrase is not a meaningful or necessary limitation. Claim 1 has been amended to remove the statement "unlike that of the balance of the plurality of audio communications systems." The aforementioned claims now definitely claim that which Applicant regards as his invention. Claims 1-38, including dependent claims that had inherited the defects cited by the Examiner, no longer contain the indefinite language. Applicant respectfully requests reconsideration.

35 U.S.C. 102(e)

The Examiner has rejected claims 14-17 and 19-27 under 35 U.S.C. 102(e) as being anticipated by Jordan et al (U.S. Patent 6,249,241 B1). Claims 14-17 and 19-27 have been canceled. Therefore, the rejected claims have been removed from Applicant's application and Jordan et al anticipate none of the remaining claims. Applicant respectfully requests reconsideration in light of the cancelled claims.

Allowable Subject Matter

The Examiner stated that claim 18 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 18 has been rewritten in independent form incorporating the limitations of independent claim 14 and intervening claim 17. Examiner had also rejected claim 14 under 35 U.S.C. 112, second paragraph as noted above. In rewriting claim 18 in independent form, Applicant has addressed the microphone from the particular limitation to render the claim definite. Applicant respectfully requests reconsideration and allowance of the rewritten claim 18.

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Applicant believes that the amended claims 1-13, 18 and 28-38 now are in a condition for allowance and respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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